



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,116	08/07/2003	Jeffrey M. Weyant	205597-9005	1585
1131	7590	05/19/2005	EXAMINER	
MICHAEL BEST & FRIEDRICH LLC 401 NORTH MICHIGAN AVENUE SUITE 1900 CHICAGO, IL 60611-4212			BECK, DAVID THOMAS	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/636,116

Applicant(s)

WEYANT, JEFFREY M.

Examiner

David T. Beck

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talaric et al (2003/0006526) in view of Thielbar (5,824,075).

With regard to claim 1, Talaric et al teaches a method for making aesthetically unique useful objects comprising: preparing and introducing a polyurethane resin (paragraph 0012) into the fiberglass mold (paragraph 0053); rotocasting the polyurethane resin within the fiberglass mold to produce a rotocast form (paragraph 0025); and permitting the rotocast form to cure (paragraph 0043), but does not explicitly teach providing a three-dimensional model of an object; preparing a plaster mold of the model; making a positive form of the model in the plaster mold; making a fiberglass mold of the positive form. Thielbar teaches providing a three-dimensional model of an object (column 19, lines 5-7); preparing a plaster mold of the model (column 7, lines 20-23); making a positive form of the model in the plaster mold (column 7, lines 40-42); and making a mold of the positive form (column 10, lines 19-24). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to form a fiberglass mold to be used in the process of Talaric et al by the method of Thielbar. The

Art Unit: 1732

motivation to do so would have been to create a mold that exactly replicates a human torso.

With regard to claim 2, Talaric et al teaches that the aesthetically unique useful object is a fashion form (abstract) and Thielbar teaches that the three-dimensional model is cast from a human model's body (abstract).

With regard to claim 3, Thielbar teaches the three-dimensional model is made by applying water-wetted plaster bandages to the model's body, pressing the bandages into body curves and crevices, and permitting the plaster bandages to cure (column 7, lines 20-47).

With regard to claim 4, Talaric et al teaches that the aesthetically unique useful object is a shelf (paragraph 0009, description of display props includes shelves).

With regard to claim 5, Thielbar teaches that the three-dimensional model of a breast is formed from clay. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to model any item to be replicated by this process out of clay, including a shelf. The motivation to do so would have been to create a 3d model out of a material that is inexpensive, and easy to shape in an artistic manner.

With regard to claim 6, Thielbar teaches that the plaster mold of the clay model is made by applying water-wetted plaster bandages to the clay model, pressing the bandages into the clay model curves and crevices, and permitting the plaster bandages to cure (column 7, lines 20-47). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to apply plaster bandages to any item to be made by this process out of clay, including a shelf. The motivation to do so would have been

Art Unit: 1732

to create a mold out of a material that is inexpensive, commercially available, and easy to apply to a variety of shapes.

With regard to claim 7, Talaric et al teaches that the polyurethane resin is distributed along the inner surface of the fiberglass mold during the rotocasting and the polyurethane is permitted to reach the green state thereafter, whereupon the fiberglass mold is opened and the form is removed and allowed to fully cure (paragraphs 0024-0029).

With regard to claim 8, Talaric et al teaches that a coloring agent is added to the polyurethane before it is introduced into the fiberglass mold (paragraph 0015).

With regard to claim 9, Talaric et al teaches that the fiberglass mold is pre-heated before introducing the polyurethane resin (claim 34).

With regard to claim 10, Talaric et al teaches that sufficient polyurethane resin is provided to produce a final product having a thickness of from about 0.0625 to 0.225 inches, which encompasses the claimed range of about 1/8 (0.125) to 3/16 (0.1875) inches.

With regard to claim 11, Talaric et al teaches the quantity of resin is chosen to produce a product having a thickness of about 0.0625 to 0.225 inches, which encompasses the claimed thickness of 3/16 inches.

With regard to claim 12, Talaric et al teaches the polyurethane is formulated so that it begins to gel about 2 to 3.5 minutes after it is mixed which overlaps the claimed range of 3 to 5 minutes.

With regard to claim 14, Talaric et al teaches a method for making a fashion form comprising: preparing and introducing a polyurethane resin (paragraph 0012) into the fiberglass mold (paragraph 0053); rotocasting the polyurethane resin within the fiberglass mold to produce a rotocast form (paragraph 0025); and permitting the rotocast form to cure (paragraph 0043), but does not explicitly teach providing a human model; preparing a plaster mold of the model; making a positive form of the model; and making a fiberglass mold of the positive form. Thielbar teaches providing a human model (column 6, lines 30-36); preparing a plaster mold of the model (column 7, lines 20-23); making a positive form of the model (column 7, lines 40-43); and making a mold of the positive form (column 10, lines 19-24). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to form a fiberglass mold to be used in the process of Talaric et al by the method of Thielbar. The motivation to do so would have been to create a mold that exactly replicates a human torso.

With regard to claim 15, Thielbar teaches the three-dimensional model is made by applying water-wetted plaster bandages to the model's body, pressing the bandages into body curves and crevices, and permitting the plaster bandages to cure (column 7, lines 20-47).

With regard to claim 16, Talaric et al teaches that a coloring agent is added to the polyurethane before it is introduced into the fiberglass mold (paragraph 0015).

With regard to claim 17, Talaric et al teaches that the fiberglass mold is pre-heated before introducing the polyurethane resin (claim 34).

With regard to claim 18, Talaric et al teaches that sufficient polyurethane resin is provided to produce a final product having a thickness of from about 0.0625 to 0.225 inches, which encompasses the claimed range of about 1/8 (0.125) to 3/16 (0.1875) inches.

With regard to claim 19, Talaric et al teaches a method for making aesthetically unique useful objects comprising: preparing and preheating the fiberglass mold (claim 34); preparing and introducing a polyurethane resin (paragraph 0012) including a coloring agent (paragraph 0015) into the fiberglass mold (paragraph 0053); rotocasting the polyurethane resin within the fiberglass mold to produce a rotocast form (paragraph 0025); and permitting the rotocast form to cure (paragraph 0043), but does not explicitly teach providing a three-dimensional model of an object; preparing a plaster mold of the model; making a positive form of the model in the plaster mold; making a fiberglass mold of the positive form. Thielbar teaches providing a three-dimensional model of an object (column 19, lines 5-7); preparing a plaster mold of the model (column 7, lines 20-23); making a positive form of the model in the plaster mold (column 7, lines 40-42); and making a mold of the positive form (column 10, lines 19-24). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to form a fiberglass mold to be used in the process of Talaric et al by the method of Thielbar. The motivation to do so would have been to create a mold that exactly replicates a human torso.

With regard to claim 20, Talaric et al teaches that sufficient polyurethane resin is provided to produce a final product having a thickness of from about 0.0625 to 0.225

Art Unit: 1732

inches, which encompasses the claimed range of about 1/8 (0.125) to 3/16 (0.1875) inches.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Talaric et al (2003/0006526) in view of Thielbar (5,824,075) and Payne (5,022,838)

With regard to claim 13, Talaric et al in view of Thielbar teaches the invention of claim 1 as discussed above, but does not explicitly teach that fiberglass is added to the polyurethane. Payne teaches that that fiberglass (column 6, lines 43-47) is added to the polyurethane to be rotomolded (column 7, lines 45-50). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add fiberglass to the polyurethane of the invention of Talaric et al in view of Thielbar. The motivation to do so would have been to add reinforcement to increase the strength to the finished product (Payne, column 7, lines 45-50).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David T. Beck whose telephone number is 571-272-2942. The examiner can normally be reached on Monday - Friday, 8AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 517-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DTB
May 3, 2005

DTB



MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER